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CITY OF SEATTLE  
MAYOR'S OFFICE

IN THE SUPERIOR COURT OF WASHINGTON  
COUNTY OF KING

BETHEAL HABTE GEBREHAWARIAT,

Plaintiff,

vs.

SEATTLE CITY LIGHT; TUAN TRAN; MELODY)  
RETALLACK; and DOES I THROUGH X,  
inclusive,

Defendants.

Case No. 17-2-33350-6 SEA

COMPLAINT FOR DAMAGES

(Unlawful Employment Practices, Jury Trial  
Demanded)

INTRODUCTION

1. This is an action for damages based on employment discrimination against the City of Seattle which has cause plaintiff to suffer a deprivation of his statutory rights.

VENUE

2. The unlawful employment practices alleged below were committed within the geographical boundaries of King County; thus, the Seattle Courthouse is the appropriate forum for this case.

PARTIES

1           3.     Plaintiff Betheal Gebrehawariat is an Ethiopian, African born adult male  
2 citizen of the United States who resides in King County, Washington. Plaintiff was hired by  
3 Seattle City Light as an Electrical Engineer in 2011.

4           4.     Defendant Seattle City Light is a department of the City of Seattle, and is the  
5 public utility providing electrical power to Seattle, Washington, and parts of its metropolitan  
6 area. Seattle City Light is headquartered in the City of Seattle, in King County.

7           5.     Defendant Tuan Tran was, at all times relevant, an Energy Delivery  
8 Engineering Director for Seattle City Light and, in doing the things complained of herein,  
9 was acting as its agent and within the course and scope of his employment by Seattle City  
10 Light. Seattle City Light is strictly liable for all of the acts committed by defendant Tuan  
11 Tran.

12          6.     Defendant Melody Retallack was, at all times relevant, a Human Resources  
13 Representative for Seattle City Light and, in doing the things complained of herein, was  
14 acting as its agent and within the course and scope of her employment by Seattle City Light.  
15 Seattle City Light is strictly liable for all of the acts committed by defendant Melody  
16 Retallack.

17          7.     Defendants Does I through X, in doing the things complained of herein, were  
18 acting under color of law and within the course and scope of their employment by defendant  
19 Seattle City Light.

#### 20                                   **FACTUAL BACKGROUND**

21          8.     Plaintiff was hired by Seattle City Light as an Electrical Engineer in 2011.  
22  
23

1           9.     In the course of his employment with Seattle City Light, plaintiff has routinely  
2 met and exceeded job expectations on annual reviews. Plaintiff has been repeatedly  
3 commended by his superiors for his work performance.

4           10.    For his 2013 annual performance review, plaintiff received two "Exceeds  
5 Expectations" and three "Meets Expectations."

6           11.    After his 2013 review, plaintiff received an email praising his work from his  
7 supervisor, Hamed Zadeghol, for his contributions to the Alaskan Way viaduct project and  
8 Amazon and future Denny substation projects.

9           12.    Plaintiff received four "Exceeds Expectations" and one "Meets Expectations"  
10 on his 2014 annual review.

11          13.    In January of 2014, plaintiff was passed over for a promotion while other  
12 employees, not as qualified, who were hired at the same time as plaintiff were promoted.

13          14.    In February of 2015, plaintiff was due to be promoted to Assistant II. This  
14 promotion was approved by plaintiff's supervisor, but was denied by Defendant Tuan Tran,  
15 the director. Plaintiff was informed that he would have to be reviewed twice a year before he  
16 would be eligible for a promotion. No other employee was subjected to this review policy.

17          15.    Plaintiff and his manager Bob Reach made a complaint to Seattle City Light  
18 human resources on March 10, 2015. The status of this investigation is unknown.

19          16.    Plaintiff received four "Exceeds Expectations" and one "Meets Expectations"  
20 on his first annual review in 2015.

21          17.    In June of 2015, plaintiff was again approved for promotion by his supervisor  
22 and manager. However, defendant Than once again denied plaintiff's promotion, and instead  
23 told plaintiff to "wait patiently".

1           18.     In July of 2015, plaintiff requested an update on his expected performance-  
2 based promotion.

3           19.     In July of 2016, plaintiff's manager Bob Reach attempted to promote plaintiff  
4 once again. This promotion was also rejected by the director, defendant Tran. During this  
5 round of promotions, director Tran read names of candidates and selected employees for  
6 promotions based on their names. Plaintiff was disqualified from promotion based on his  
7 name.

8           20.     In April of 2016, plaintiff was interrogated coercively for over three hours by  
9 Seattle City Light human resources employee Melody Retallack. Plaintiff was denied his  
10 Weinger Rights, and multiple requests for a union representative by plaintiff were rejected.

11          21.     In October of 2016, plaintiff received an email from supervisor Zadeghol  
12 commending his work on the Cable Ampacity Study using CYME software never used in his  
13 group. Plaintiff learned the new software and finished the project in three days.

14          22.     In February of 2017, plaintiff was wrongfully downgraded, in spite of his  
15 excellent performance. This downgrade was due to false accusations against plaintiff by a  
16 coworker.

17          23.     Seattle City Light encouraged plaintiff's coworker, Juliet Acevedo, to file a  
18 wrongful harassment claim against plaintiff. Individuals from the Human Resources  
19 Department at Seattle City Light assisted Ms. Acevedo in preparing her complaint.

20          24.     Plaintiff had his access to his work building restricted by John Flower and  
21 Doug Williams from the SCL Security Department. Defendants also reviewed security  
22 footage unlawfully to help Ms. Acevedo file her complaint and searched through plaintiff's  
23 computer in a blatant invasion of plaintiff's privacy.

1           25. Before plaintiff was even notified that he was being investigated, DaVanna  
2 Johnson and Jai Elliott began looking into plaintiff's work history, relationships, and  
3 performance. Other HR officials also investigated plaintiff for over four weeks without  
4 giving him any notification.

5           26. When the restraining order was finally filed by Ms. Acevedo, plaintiff was  
6 forced to take vacation time from December 2015 to January 2016.

7           27. Plaintiff was told by Chris Thomas, a Seattle City Light human resources  
8 employee, that there was no hearing for the restraining order and that plaintiff did not need to  
9 attend. Thomas intentionally misled plaintiff with the intent of helping Ms. Acevedo. In fact,  
10 there was a hearing and the court made a ruling.

11           28. Since returning from leave, plaintiff has been repeatedly retaliated against by  
12 Seattle City Light supervisors for engaging in protected activity regarding his employment  
13 complaints.

14           29. Plaintiff's Seattle based paid FMLA has been interfered with, and his  
15 employee account was disabled for over two weeks after he returned to work.

16           30. Plaintiff has been given defective equipment, denied access to valuable  
17 software, and harassed by the office of the Director since his return. He has also been  
18 improperly written up in retaliation for his complaints about discrimination.

19           31. All of plaintiff's efforts to resolve these issues internally have been ignored.  
20 Plaintiff's multiple complaints through his Union have never been properly addressed nor  
21 received any response.

22           32. The treatment plaintiff had been subjected to by defendants has caused him  
23 mental and emotional distress, lost wages, humiliation, and embarrassment.

**FIRST CAUSE OF ACTION**

(Racial Discrimination – 42 U.S.C. § 1981)

33. Plaintiff realleges and incorporates by reference herein the allegations set forth in paragraphs 1 through 32 with the same force and effect as if such paragraphs were separately realleged in this First Cause of Action.

34. At all times herein mentioned, plaintiff was an employee and a citizen protected by 42 U.S.C. § 1981, specifically, against practices which constituted discrimination or discriminatory treatment based on his race—Black/African.

35. Plaintiff has been discriminated against in the terms and conditions of his employment relationship with each defendant because of his race, and has been denied those same conditions and privileges of employment otherwise afforded to his Caucasian or non-African counterparts.

36. As a proximate result of defendants' discriminatory action against plaintiff, as alleged above, plaintiff has been harmed in that he has suffered a loss of wages and benefits. As a result of such discrimination and consequent harm, plaintiff has suffered such damages in an amount according to proof at trial.

**SECOND CAUSE OF ACTION**

(Retaliation – 42 U.S.C. § 1981)

37. Plaintiff realleges and incorporates by reference herein the allegations set forth in paragraphs 1 through 36 with the same force and effect as if such paragraphs were separately realleged in this Second Cause of Action.

38. Defendants engaged in unlawful employment practice in violation of 42 U.S.C. § 1981 by demoting plaintiff in retaliation for his complaints of racial discrimination

1 and by refusing to promote plaintiff, despite plaintiff being undoubtedly qualified for  
2 promotion.

3 39. The effect of defendants' actions has been to deprive plaintiff of equal  
4 employment opportunities and otherwise adversely affect his status as an employee because  
5 of his protected activity of reporting racial discrimination.

6 40. As a proximate result of defendants' discriminatory action against plaintiff, as  
7 alleged above, plaintiff has been harmed in that he has suffered a loss of wages and benefits,  
8 plus interest, that he would have been entitled to if he had been properly promoted. As a  
9 result of such retaliation and discrimination and consequent harm, plaintiff has suffered such  
10 damages in an amount according to proof at trial.

11 41. As a further proximate result of defendants' discriminatory actions against  
12 plaintiff, as alleged above, plaintiff has been harmed in that he has suffered humiliation,  
13 embarrassment, loss of reputation, mental anguish, anxiety, mortification, loss of good  
14 health, and emotional and physical distress in an amount according to proof at trial.

### 15 **THIRD CAUSE OF ACTION**

16 **(Racial Discrimination – WLAD)**

17 42. Plaintiff realleges and incorporates by reference herein the allegations set  
18 forth in paragraphs 1 through 41 with the same force and effect as if such paragraphs were  
19 separately realleged in this Third Cause of Action.

20 43. Under RCW 49.60.180, The Washington Law Against Discrimination  
21 (WLAD) bars employers from discriminating against any individual in compensation or in  
22 other terms or conditions of employment because of race, creed, color, or national origin.  
23



44. Despite plaintiff's superior work performance, defendants have repeatedly refused to give plaintiff the promotion he deserves. Defendants did not subject other, non-African employees with the same level of seniority to the same mistreatment. Defendants substantially or wholly considered plaintiff's race in refusing to give plaintiff this promotion. This is evident from the fact that in July of 2016, defendant Than disqualified plaintiff from receiving a promotion based on his name, which is of African origin.

45. As a proximate result of defendants' discriminatory action against plaintiff, as alleged above, plaintiff has been harmed in that he has suffered a loss of wages and benefits. As a result of such discrimination and consequent harm, plaintiff has suffered such damages in an amount according to proof at trial.

#### FOURTH CAUSE OF ACTION

(Retaliation-WLAD)

46. Plaintiff realleges and incorporates by reference herein the allegations set forth in paragraphs 1 through 45 with the same force and effect as if such paragraphs were separately realleged in this Fourth Cause of Action.

47. Defendants engaged in unlawful employment practices in violation of the Washington Law Against Discrimination by demoting plaintiff in retaliation for his complaints of discrimination, and by refusing to promote plaintiff in spite of the fact that plaintiff was clearly qualified for promotion.

48. The effect of defendants' actions has been to deprive plaintiff of equal employment opportunities and otherwise adversely affect his status as an employee because of his protected activity of reporting racial discrimination.



49. As a proximate result of defendants' discriminatory action against plaintiff, as alleged above, plaintiff has been harmed in that he has suffered a loss of wages and benefits. As a result of such discrimination and consequent harm, plaintiff has suffered such damages in an amount according to proof at trial.

### **FIFTH CAUSE OF ACTION**

(FMLA Interference and Denial)

50. Plaintiff realleges and incorporates by reference herein the allegations set forth in paragraphs 1 through 49 with the same force and effect as if such paragraphs were separately realleged in this Fifth Cause for Action.

51. The Seattle Municipal Code requires that employees be compensated for taking family leave or FML.

52. Defendants interfered with plaintiff's FMLA and family leave by punishing him for taking it as described above and denied him payment for days he was off on leave.

53. As a proximate result of defendants' unlawful actions against plaintiff, as alleged above, plaintiff has been harmed in that he has suffered a loss of wages and benefits. As a result of such action and consequent harm, plaintiff has suffered such damages in an amount according to proof at trial.

### **PRAYER FOR RELIEF**

WHEREFORE, plaintiff respectfully prays that this Court enter judgment against each defendant, granting plaintiff:

A. Declaratory judgment that the acts, policies, and practices of defendants, as complained of herein, violated the rights of plaintiff as secured by the laws of the United States and the State of Washington;

1 B. Award damages to plaintiff for economic damages, emotional, physical, and  
2 mental distress against all defendants in an amount according to proof at trial;

3 C. Back and front pay, according to proof at trial;

4 D. Plaintiff's costs of suit, including statutory attorney's fees; and

5 E. Such further relief as this Court deems appropriate.

6  
7 DATED this 28<sup>th</sup> day of December, 2017.

8 CIVIL RIGHTS JUSTICE CENTER, PLLC

9 

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